

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 16, 2004

VIA ELECTRONIC AND 1ST CLASS MAIL SERVICE

The Honorable Charles L.A. Terreni
Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive
Suite 100
Columbia, South Carolina 29210

**Re: Application of Xspedius Management Co. Switched Services, LLC for
Waiver of NeuStar, Inc. Denial of NXX Code Request
Docket No. 2004-356C, ELS File #586-10061**

Dear Mr. Terreni:

Xspedius Management Co. Switched Services, LLC ("Xspedius"), a subsidiary of Xspedius Communications, LLC, requests that the Public Service Commission of South Carolina ("Commission") intervene and overturn or waive the denial by the Pooling Administrator ("PA"), NeuStar, Inc. ("NeuStar") of Xspedius' request for assignment of numbering resources in the Greenville rate center.

On December 6, 2004, Xspedius submitted requests to NeuStar for the assignment of an NXX for a dedicated customer in the Greenville rate center in accordance with the current guidelines (see rate center worksheets, attached as **Exhibit A**, which correspond to the specified rate center). NeuStar denied the request for the assignment of the additional numbers in this rate center because Xspedius did not meet the months-to-exhaust and utilization criteria established by the Federal Communications Commission ("FCC").¹

Xspedius has requested and been denied the numbering resources required to serve a customer requiring *intermediate* numbers in this rate center. The intermediate number classification refers to a block of numbers given to another carrier or non-carrier entity for future assignment.² Although Xspedius requests the intermediate numbering resources and reports utilization and forecast data to the PA, subsequent allocation of the numbers is relinquished to Xspedius' customer, which then assigns these numbers to its end users. Xspedius' current numbering resources cannot accommodate this customer's initial growth requirements, which call for a complete NXX (comprised of ten consecutive uncontaminated thousand blocks) in this rate center to provide a new "e-fax" service to end user customers. Even though Xspedius

¹ 47 CFR §52.15(g)(3)(iii), CFR 47 §52.15(h).

² 47 CFR §52.15(f)(1)(v).

appears to possess sufficient numbering resources in the Greenville rate center, Xspedius does not own a pristine NXX block of 10,000 consecutive numbers that it can surrender to this customer for its internal use. Thus, in order for Xspedius to serve its customer, it must have the numbering resources requested on this waiver in an expedited timeframe.

The Commission has the authority to review the PA's decisions and reverse them when appropriate. Section 52.15 of the FCC's rules provides that "[t]he state commission...may overturn the [Pooling Administrator's] decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need...."³ The FCC further allowed that "a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer's request,"⁴ as is the case in this instance. As required by the FCC, the customer requesting the additional numbering resources has documented its request.⁵

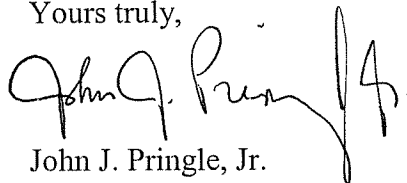
Xspedius has demonstrated that it has an actual need for the additional numbering resources. Attached as **Exhibit B** is an affidavit of Franklin D. Lucas, Manager Switch Translations, of Xspedius attesting to the facts in this application.

Xspedius asks that the Commission overturn the PA's decision to deny Xspedius' request for the additional numbering resources in the Greenville rate center. The additional numbers requested by this application are necessary so that Xspedius' customer can meet the service demands of its e-fax customer, which in turn will be able to offer a valuable service to South Carolina consumers.

Please acknowledge of receipt of this filing by file stamping the additional copy of this letter and returning it to me in the attached envelope. Questions regarding this matter may be referred to me, or directly to Xspedius by calling Pamela Rak at (636) 625-7562.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/cr

Cc: Office of Regulatory Staff

³ 47 CFR §52.15(g)(4).

⁴ FCC 01-362 ¶64 (released Dec 28, 2001).


⁵ *Id.*

REC- 47D

2001 OCT 17 PM 3:07

SO FULTON
COMMUNICATIONS

EXHIBIT A

Pooling Administration System holly.kuester@xspedius.com (SP)

Sign Out

Request Resources

State

NPA

Rate Center

OCN

Type of Application

NOTE:


If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Block Request Successful!

Greenville


2

Pooling Administration System

 holly.kuester@xspedius.com (SP)

[Sign Out](#)

Request Full NXX (Dedicated Customer)

Do you already have a block/code in this rate center? <input checked="" type="radio"/> Yes <input type="radio"/> No
Will all blocks be activated on the same switch? <input checked="" type="radio"/> Yes <input type="radio"/> No


<https://www.nationalpooling.com/pas/control/part1a?rqstType=N>

12/6/2004

1004

12/16/2004 15:41 FAX

Pooling Administration System

Sign Out

holly.kuester@xspedius.com (SP)

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date Monday, December 6, 2004

OCN 7273

Company Name XSPEDIUS MANAGEMENT CO SWITCHED SERVICES, LLC - SC

Rate Center GREENVILLE

List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)864-751-0,1,2,3,4,5,6,7,8,9
764-752-0,1,2,3,4,6,9

Name of Block Applicant Mrs Holly Kuester

Title Network Engineer

Telephone Number (636) 625-7079

Fax Number (636) 625-7193

E-Mail holly.kuester@xspedius.com

A. Available Numbers * 13562

B. Assigned Numbers * 3438

C. Total Numbering Resources * 17000

D. Quantity of numbers activated in the past 90 days
and excluded from the Utilization calculation * 0

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	132	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	1202

F. Forecast - Next 12 months³ *

Month 1	Month 2
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12/6/2004

<https://www.nationalpooling.com/pas/control/mttest2?showCalc=Y>

	10000		30000
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)

6666.667

H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested

1

A. Available Numbers

13562

H. Months to Exhaust

2.034

I. Utilization⁵ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100


20.224

Explanation

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1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(III)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(III))

Pooling Administration System

[Sign Out](#) holly.kuester@xspedius.com (SP)

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to 20.224 percent, while your State requires a utilization of 75.000 percent.

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option



12/6/2004

<https://www.nationalpooling.com/pas/control/mtestep2?rqstType=null>

PPH 10-17-07
2001 REC 17 M 3:07
90 PPH 10-17-07
90 COM 10-17-07

EXHIBIT B

Affidavit of Franklin D. Lucas

STATE OF MISSOURI

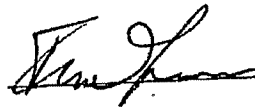
COUNTY OF ST. CHARLES

I, Franklin D. Lucas, Manager Switch Translations, for Xspedius Communications, LLC, parent company of Xspedius Management Co. Switched Services, LLC ("Xspedius") being duly sworn, state that in such capacity I am personally familiar with the facts in this application;

1. Xspedius currently does not have the numbering resources it requires in order to serve the growth needs of a customer requesting a dedicated NXX in the Greenville rate center for e-fax service;

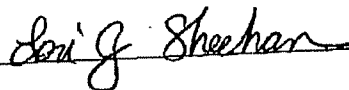
2. The numbering resources Xspedius is requesting in this waiver will meet the immediate needs forecasted by the customer upon completion of its growth within the aforementioned rate center;

3. I have personal knowledge of the facts herein and certify that they are true and correct to the best of my knowledge.



Signature of Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in State and County
above-named this 16 day of December, 2004.



Notary Public in and for
The State of Missouri

My Commission expires on: 1-3-05

